IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA)					
	Plaintiff,) 8:05CR281)			
	vs.)) DETENTION ORDER			
CA	ARLOS SANCHEZ, SR.,))			
	Defendant.	,			
A.	Order For Detention After conducting a detention hearing pursuan Act on August 4, 2005, the Court orders the a to 18 U.S.C. § 3142(e) and (i).				
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 				
C.	distribute in excess of 5 kil 21 U.S.C. § 846 carrie imprisonment and a maxin with intent to distribute coe 841(a)(1) carries a maximu and the use and carrying of (Count III) in violation of consecutive sentence of fix X (b) The offense is a crime of v X (c) The offense involves a nar X (d) The offense involves a large multi-kilograms of cocaine multi-kilograms of cocaine (2) The weight of the evidence agains multi-kilograms of cocaine (2) The weight of the evidence agains The defendant appear affect whether the de X The defendant has no multi-kilograms of cocaine The defendant has no multi-kilograms of cocaine affect whether the de The defendant has no multi-kilograms of cocaine affect whether the de The defendant has no multi-kilograms of cocaine affect whether the de The defendant has no multi-kilograms of cocaine affect whether the de The defendant has no multi-kilograms of cocaine	Report, and includes the following: offense charged: to distribute and possess with intent to dograms of cocaine (Count I) in violation of es a minimum sentence of ten years mum of life imprisonment; the possession caine (Count II) in violation of 21 U.S.C. § um sentence of twenty years imprisonment; f a firearm during a drug trafficking offense 18 U.S.C. § 924(c) carries a mandatory we years imprisonment. Prolence - See 18 U.S.C. § 3156(a)(4)(B). Protocotic drug. Ge amount of controlled substances, to wit: 1. Set the defendant including: 1. Set the defendant includin			

DETENTION ORDER - Page 2

			 The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings.
		(b)	At the time of the current arrest, the defendant was on: Probation Parole
		(c)	 Release pending trial, sentence, appeal or completion of sentence. Other Factors: The defendant is an illegal alien and is subject to deportation.
			The defendant is a legal alien and will be subject to deportation if convicted.The Bureau of Immigration and Custom Enforcement (BICE) has
V	(4)	Tl	placed a detainer with the U.S. Marshal Other:
X	(4)	are as defendaccord report spend ease	ature and seriousness of the danger posed by the defendant's release of follows: According to the testimony of OPD Officer Paul Milone, the dant is the source of multi-kilograms of cocaine in the Omaha areading to various cooperating witnesses. Further, the witnesses have ed that Sanchez stated he would be fleeing to Mexico rather than ing time in jail in the United States. Sanchez has demonstrated his of traveling to Mexico and conducting business from Mexico via rous cell phone calls.
<u>X</u>	(5)		ttable Presumptions ermining that the defendant should be detained, the Court also relied on
	<u>X</u>	the fol which	llowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
			 X (1) A crime of violence; or X (2) An offense for which the maximum penalty is life imprisonment or death; or X (3) A controlled substance violation which has a maximum
			penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
	<u>X</u>	_ (b)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:
			 X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more. X (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in

DETENTION ORDER - Page 3

relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: August 5, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge